

REMARKS

This Amendment is responsive to the Office Action dated June 17, 2004.

Claims 1-18 are pending in the application. Of those claims, claims 10 and 16 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. More particularly, it is indicated as being unclear where the recitation "elements" refers to the "elements" recited in the base claims. If so, "elements" should be preceded by "said". All of the claims stand rejected under 35 U.S.C. 102(b) as being anticipated by Nagashima et al. U.S. Patent No. 4,866,921.

Responsive to the rejection under 35 U.S.C. 112, second paragraph, Applicant herein amends claims 10 and 16 to insert the required recitation. Applicant appreciates the Examiner's careful scrutiny of the present application.

Addressing the rejection of all of the claims under 35 U.S.C. 102(b) as being anticipated by Nagashima et al. U.S. Patent No. 4,866,921, Applicant respectfully traverses the rejection on the grounds that all the elements of each of the claims are not present in the Nagashima et al. patent, nor are all of the elements even contemplated or suggested therein, and therefore a prima facie case of anticipation is not made with regard to the claims.

More particularly, addressing independent claim 1, it is directed to a drive for transferring sideward motion from a first elongate sickle cutting knife on a header of an agricultural combine to a second elongate sickle knife on the header. In the mowing apparatus of the Nagashima et al. patent on the other hand, as illustrated on page 3 of the Detailed Action, sideward motion is not transferred from one of the elongate sickles of that apparatus to the other, but instead is transferred from a pinion simultaneously to the sickles.

Claim 1 requires a double rack and pinion arrangement. Nowhere in Nagashima et al. is a rack and pinion, single or double, disclosed or suggested. Further, claim 1

requires the double rack and pinion arrangement to include at least one pinion mounted at a fixed location on the forward portion of the header, a first sidewardly extending rack connected to the first sickle knife for sideward movement therewith enmeshed with the pinion, and a second sidewardly extending rack connected to the second sickle knife for sideward movement therewith enmeshed with the pinion opposite the first rack. The Nagashima et al. mowing apparatus includes a pinion. However, it does not disclose or suggest racks enmeshed on opposite sides of the pinion and connected to the sickle knives, respectively. Instead, round gears are enmeshed with the pinion and include slider crank mechanisms connected to the respective sickle knives.

Claim 1 requires further that when the first sickle knife is moved reciprocally sidewardly relative to the header, the first rack will move correspondingly reciprocally sidewardly to reciprocally rotate the pinion so as to reciprocally sidewardly move the second rack and the second sickle knife oppositely to the reciprocal sideward movement of the first rack in the first sickle knife. This is also not true of the Nagashima et al. device. As explained in the Nagashima et al. patent, the pinion is rotated, but only in one direction, not reciprocally as required in claim 1. Also, the gears enmeshed with the pinion of Nagashima et al. are rotated, to simultaneously drive the slider crank mechanisms for translating the rotary driving motion, to linear motion. This is not the same as the sideward movement of the racks as required in claim 1.

As a result of the substantial differences between the drive of claim 1 and the mowing apparatus of Nagashima et al., as explained above, Applicant respectfully asserts that all of the elements of claim 1, namely, the double rack and pinion arrangement, and the reciprocal sideward movements imparted to the second rack thereby, are not disclosed and even suggested anywhere whatsoever in Nagashima et al. And, by virtue of the usage of the different slider crank mechanisms for receiving power from the central pinion of Nagashima et al., Applicant respectfully asserts that Nagashima et al. teaches away from a drive such as that of claim 1. For the foregoing reasons, Applicant

respectfully asserts that a prima facie case of anticipation of claim 1 is not present, and thus claim 1, and claims 2-6 which depend therefrom, are believed to be patentably distinguishable over Nagashima et al. and allowable.

Amended independent claim 7 is directed to a reversing transfer drive for an elongate drive sickle knife extending in end-to-end relation to an elongate driving sickle knife for reciprocally driving the driven sickle knife transversely along a forward end of a header of an agricultural combine as the driving sickle knife is reciprocally driven by a power source connected thereto to transversely along the forward end of the header, for severing crops to be inducted by the header as the combine is moved forwardly over a field.

Again, as noted in regard to claim 1 above, and incorporated herein by reference, in contrast to a driven sickle knife being driven by a driving sickle knife reciprocally driven by a power source as required in claim 7, in Nagashima et al., both sickle knives are driven by a power source through a rotatably driven pinion.

Amended claim 7 requires a double rack and pinion arrangement including spaced transversely extending driving and driven racks enmeshed with at least one pinion gear supported for rotation in the space between the racks such that movement in a first transverse direction of the driving rack will rotate the pinion gear so as to move the driven rack in a second transverse direction opposite the first transverse direction, and elements connecting the driving and the driven racks to the driving and driven sickle knives, respectively. Also, again, as explained in reference to claim 1 above, and incorporated herein by reference, Nagashima et al. does not disclose a double rack and pinion arrangement at all, but instead, utilizes a central driven pinion enmeshed with gears of slider crank mechanisms, for simultaneously moving the sickle knives thereof. Nagashima does not disclose or suggest racks enmeshed with a pinion, nor would there be a need for such an arrangement given the use of the pinion and slider crank mechanisms shown and disclosed in Nagashima et al. Accordingly, by virtue of the

complete lack of a double rack and pinion arrangement including a driving rack and a driven rack enmeshed with at least one pinion gear therebetween, as required in amended claim 7, Nagashima et al. does not disclose or even suggest all of the elements of that claim and therefore a prima facie case of anticipation is not present. For the foregoing reasons, amended claim 7, and claims 8-12 that depend therefrom, are believed to be patentably distinguishable over Nagashima et al. and allowable.

Independent claim 13 is directed to sickle apparatus for a forward end of a header for an agricultural combine, requiring

an elongate first sickle knife extending sidewardly along a first portion of the forward end of the header for reciprocal sideward movement therealong; an elongate second sickle knife extending sidewardly along a second portion of the forward end of the header for reciprocal sideward movement therealong in substantially longitudinally aligned end-to-end relation to the first knife; and a reversing transfer drive including **a double rack and pinion arrangement including spaced sidewardly extending first and second racks and at least one pinion supported for rotation between the racks and enmeshed therewith such that movement in a first sideward direction of the first rack will rotate the pinion so as to move the second rack in a second sideward direction opposite the first sideward direction, and elements connecting the first and second racks to the first and second sickle knives, respectively.**

Again, for the reasons set forth with respect to claim 1 and amended claim 7, incorporated herein by reference, Nagashima et al. does not disclose or even suggest a reversing transfer drive including a double rack and pinion arrangement including spaced sidewardly extending first and second racks and at least one pinion supported for rotation between the racks and enmeshed therewith as required in claim 13. As a result, all of the elements of claim 13 are not present in Nagashima et al. Applicant therefore respectfully

asserts that a prima facie case of anticipation is not made with respect to claim 13, and that claim is thus patentably distinguishable over Nagashima et al. and allowable.

Claims 14-18 depend from claim 13 and add still further distinguishing limitations thereto. Accordingly, those claims, in combination with base claim 13, are believed to be patentably distinguishable over Nagashima et al. and allowable.

None of the cited prior art references disclose or suggest a reversing transfer drive for sickle cutting knives on a header of an agricultural combine as claimed in the claims above and set forth in the present specification. Therefore, favorable action and allowance of the claims is respectfully requested.

If the Examiner has any further requirements or suggestions for placing the present claims in condition for allowance, Applicant's undersigned attorney would appreciate a telephone call at the number listed below.

Respectfully submitted,

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September 16, 2004
cnh/17307amd.doc